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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 24 March 1997 from the Minister for Foreign Affairs of Georgia addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit herewith the English and Russian versions of the "Report on the policy of ethnic cleansing/genocide conducted in the territory of Abkhazia, Georgia and necessity of bringing persons who committed these crimes before justice in accordance with international principles of due process"* of the State Commission of Georgia for Investigation of the Policy of Genocide/Ethnic Cleansing against the Georgian Population in Abkhazia, Georgia.

I would be grateful if the present report could be circulated as a document of the fifty-third session of the Commission on Human Rights.

(signed): I. Menagarishvili

* The annex is reproduced as received in the languages of submission only.

ANNEX

ON THE REVEALED FACTS OF THE POLICY OF ETHNIC CLEANSING / GENOCIDE CONDUCTED IN THE TERRITORY OF ABKHAZIA, GEORGIA, AND NECESSITY OF BRINGING PERSONS COMMITTED THESE CRIMES BEFORE JUSTICE IN ACCORDANCE WITH INTERNATIONAL PRINCIPLES OF DUE PROCESS

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I. General background and assessment of the actions of separatists contained in the documents of the UN Security Council, OSCE Summits, its other bodies and the Council of the Heads of the CIS States.

I.1. Nearly four years have passed since armed insurgence broke out in a region of Georgia, the Abkhaz Autonomous Republic- a conflict instigated by the aggressive separatists from the leadership of the Autonomy with a view to wresting away from Georgia the land that has been part of it since time immemorial.

Aided by thousands of mercenaries who have poured into the region, mostly from Russia and partly from the Middle East countries with Abkhaz communities and backed by the regular troops of Russia, deployed in Abkhazia since the existence of the USSR, the Abkhaz separatists have managed to seize the whole of Abkhazia successively forcing the Georgian Government troops to withdraw from the region. Their advancement have been matched with barbaric violence endured by the separatists upon the Georgian population of Abkhazia that led to effectively reducing the latter, constituting 46% of the population of the region prior to the conflict, to zero.

The seizure of the territories have been seconded by systematic extermination of ethnic Georgians, principally peaceful civilians-political figures, teachers, doctors, writers and cultural workers. Georgian architectural and archaeological monuments showing that Georgians have lived in the Abkhaz region since ancient times have been destroyed.

Under threat of physical reprisals, the survivors have been driven from their birthplaces and out of Abkhazia, which has been declared an "independent State". As a result over 10 000 people died, most of them peaceful civilians, and some 250,000 Georgians have been forced to flee in order to escape blood-chilling humiliations, torture and shootings.

Besides Georgians, over 100,000 non-Georgians have fled Abkhazia- Russians, Armenians, Greeks, Estonians - and thousands of Abkhaz have left their country, not wishing to be associated with fascist regime. Thus four fifths of the population of the region by 1996 found itself outside it.

Concurrently with continued obstruction and refusal of the refugees and displaced persons in the right to return voluntarily to their homes in accordance with the Quadripartite Agreement signed in 1994 with the participation of the UNHCR the separatists have been prompting the process of settlement of the mercenaries and others in the region. This must alter the demographic composition of the population. Those, who dared to return at their own risk to the Gali region, are being subjected to intimidation, terror and finally expelled.

All these events as reflected in the statements of the State Commission of Georgia for Investigation of the Policy of Ethnic Cleansing/Genocide Against the Georgian Population in Abkhazia, Georgia, has been consistently brought to the attention of the international community, first and foremost of the UN Security Council and the Human Rights Commission(E/CN 4/1994/123, E/CN 4/1995/139, E/CN 4/1996/146, S/1994/225, S/1995/200). The same information have been submitted to the OSCE and Council of Heads of the CIS States.

I.2. Assessment of actions of the separatists

I. a) OSCE Summits and reports of the OSCE mission in Georgia:

" They (Participating States of the OSCE) expressed their deep concern over "ethnic cleansing", the massive expulsion of people, predominantly Georgian, from their living areas and the death of large numbers of innocent civilians." (Meeting of the Heads of States and Governments of the OSCE participating States, December 4 -5, 1994. " Towards a Genuine Partnership in a New Era, Budapest, Decisions, Regional issues, "Georgia", paragraph 2, S/1994/1435, annex).

" We (OSCE participating States) condemn the "ethnic cleansing" resulting in mass destruction and forcible expulsion of predominantly Georgian population in Abkhazia. Destructive acts of separatists , including obstruction of the return of refugees and displaced persons, ... undermine the positive efforts undertaken to promote political settlement of these conflicts " (Declaration of Lisbon Summit, paragraph 20, December 3 1996)

"The Abkhaz authorities are continuing to implement a policy of violent ethnic cleansing designed to prevail significant repatriation to Gali District and elsewhere in Abkhazia. Tactics used from simple verbal intimidation and short-term arbitrary arrest to murder. Although some of the worst atrocities are believed to have been ordered by Sukhumi... (OSCE Mission to Georgia, Report on Survey of Human Rights Conditions in Gali District , Republic of Georgia, 19-21 April 1996)

b) The UN Security Council shared all these conclusions and in its relevant resolutions permanently " recalls the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia," and affirms the unacceptability of the demographic changes resulting from the conflict." (Resolution 1036/1996 January 12, 1996 and Resolution 1065/1996 July 12, 1996)

c) The Council of Heads of the CIS States supported the conclusions of the Budapest summit citing the above - mentioned provision in the Minsk Statement of the Council of Heads of the CIS of 26 May, 1995.

d) On the November, 14 , 1996 the Session of the European Parliament adopted the Resolution which *inter alia* stated that the European Parliament expressing its deep concern over the increased number of refugees from Abkhazia, currently living in the territory of Georgia and the continued process of ethnic cleansing in the region of Abkhazia...

2. Stresses that the final peaceful resolution of the conflict in Abkhazia should be based on the comprehensive political settlement with due respect of the sovereignty and territorial integrity of Georgia within internationally recognized borders.

3. Stresses that the elections in Abkhazia should be held only in the context of the comprehensive political settlement by means of negotiations after the political status of Abkhazia is determined and the full participation of all refugees and displaced persons in the elections is guaranteed.

e) The Security Council Resolution 1096/1997, January 30, 1997 " Recalls the conclusions of the Lisbon summit of the OSCE (S/1997/57, annex) regarding the situation in Abkhazia, Georgia, and reaffirms the unacceptability of the demographic changes resulting from the conflict (paragraph 9),the Security Council reiterates its demand that the Abkhaz side accelerate significantly the process of voluntary return of refugees and displaced persons without delay or preconditions..."(paragraph 11)

Hence, the logical outgrowth should be to undertake measures for more full investigation of facts and in case they are confirmed to establish the International Tribunal. However, it did not bring about the effective and adequate response on part of the International Community.

Noteworthy, at the first stage, in autumn, 1993, I. e succeeding the cease-fire and assumption of control over the whole territory of Abkhazia by the Abkhaz separatists, the UN Secretary General at the request of the Government of Georgia sent the fact-finding Mission for establishing facts with a view of examining situation related to the violations of human rights in Abkhazia, including reports on "ethnic cleansing".

The Mission of three representatives of UN Human Rights Center found itself confined to pursue the complicated task - to establish within one week whether the Georgian claims were justified.

In November the Mission submitted its report to the UN Secretary General- the results of its short-term visit to Georgia (Respectively 5 days in Abkhazia and 2 days in Tbilisi).

Undoubtedly, it was quite difficult for the mission to establish to what extent the claims matched the reality as to gather reliable information in Abkhazia, turned into the real "no men land" freed from Georgians would seem nearly impossible.

Regretfully, the mission was not able to manage to get at its disposal evidences of the Georgian refugees and internally displaced persons, fled to the Western Georgia. Nevertheless, the report submitted to the UN Secretary-General basically drew a real picture of the developments notwithstanding inaccuracy in the historical background(S/26725, 24 November 1993).

The Mission attributed the violations of human rights to both parties. However, it noted the massive and cruel character of the acts committed by the Abkhaz forces and their mercenaries against remaining civilians in the territory, where these forces advanced and "peace" was restored(p.p.18, 19, 20, 21, 22, 27, 28, 29, 33-37,38).

In fact, acquiescing that within the given time-limit the Mission could not claim to have been able to undertake comprehensive study and investigation of the situation, it did not go beyond but to state: "On the basis of the available information, the Mission could not establish whether the authorities of either party carried out an active and purposeful policy with a view of cleansing the territories under their control either from the Abkhaz or Georgian population. Only further thorough investigation and assessment will make it possible to establish convincingly the relevant facts." (p.52)

However, this goal was never accomplished having had the negative forbearance upon the whole process of comprehensive settlement of the conflict in Abkhazia, Georgia.

Insufficient activity and consistency of the international community to react on the events in Abkhazia, Georgia, and successful sabotage by the separatists of the recommendations of the UN Security Council and OSCE to work out constructive approach to the political status of Abkhazia "within the state of Georgia and its internationally recognized borders" would seem to give incentive to the authorities in Sukhumi to taking attempt with a view to legalize the results of "ethnic cleansing". Ignoring the opinion of the UN Security Council, European Parliament and OSCE, the separatists held the so- called election of parliament in the depopulated territory of Abkhazia on 23 November 1996 (nearly 150,000 habitants left out of 540,000).

This political show has been condemned by the international community as illegal.

The Summit OSCE in Lisbon has qualified these acts of the separatists as "destructive"

As stated in Resolution 1096 (1997) of the UN Security Council:

"Reaffirming its commitments to the sovereignty and territorial integrity of Georgia within its internationally recognized borders, and to the necessity of defining the status of Abkhazia in strict accordance with these principles and underlines the unacceptability of any action by the Abkhaz leadership in contravention of these principles, in particular the holding on 23 November 1996 and 7 December 1996 of illegitimate and seif- styled parliamentary in Abkhazia, Georgia"

The Ministry of Foreign Affairs of Russia condemned also "the position held by the authorities of Sukhumi", since "the elections" have been held by "Abkhazian side in contravention of universally recognized norms of human rights and fundamental civil liberties and fully ignoring an international opinion ..." The population which was forced in exile from the places of their permanent residence in the course of military actions, could not participate in these "elections". Already by this reason the actions on 23 November must not be regarded neither legitimate by the law, nor justified politically." (Statement of the Ministry of Foreign Affairs of Russian Federation on 23 November 1996).

Thus, the syndrome of impunity infecting the separatists, prompts them to commit new brutalities, to refuse the refugees and IDPs back to the places of their permanent residence and to the actions with a sole goal of legalization their fascist political regime.

Meanwhile, as it is clear from the above-mentioned, international community of states unanimously recognized, that the Abkaz separatists still are pursuing the "ethnic cleansing" by using utmost barbaric methods in the territory under their control and carrying out massive destruction and forcible expulsion of the Georgian population, which comprised half of the whole population of Abkhazia before the conflict.

Before proceeding to the concrete facts, providing the evidence of flagrant violations by the separatists of the norms of the international humanitarian law, it is necessary to consider the issue as to whether the "ethnic cleansing", referred in the above-mentioned documents and that of pursued in Abkhazia, presents itself as the crime against humanity and the form of genocide, thus, giving necessary ground for bringing those guilty in the crimes before the International Tribunal.

While dealing with the issue , the Commission has been deriving underpinnings for its deliberations from the Final Report of the Special Commission of Experts (S/1994/674, 27 May 1994), established by the UN Secretary-General in accordance with the UN Security Council Resolution 780 (1992) on 6 October 1992 to examine and study, in particular, the information submitted for executing of the UN Security Council Resolution 771 (1992) and 780 (1992) in order to submit to the Secretary-General its own conclusions on the facts of serious violations of Geneva conventions and international humanitarian law, committed in the territory of former Yugoslavia, in particular, of the practice of "ethnic cleansing" (henceforth, Final Report would be cited only referring the number of the Security Council document-S/1994/674).

II. Ethnic cleansing in the context of crimes against humanity

II.1. Notion of crimes against humanity

The notion and concept of these crimes were first recognized in the 6th paragraph of the Statute of the International War Tribunal (August 8,1945) and separated from the concept of the crimes against peace and violations of the laws and customs of war.

The hallmark of the crimes against humanity as of the criminal acts are "crimes directed against the civilian population, in particular, murder, extermination, imprisonment, deportation and other inhuman acts... persecution on political, racial and religious grounds with a view of implementation, or linkedwith any other kind of crimes under the Tribunal jurisdiction, irrespectively of the fact, whether these actions were considered as violations of internal law committed or not in the country." (par.6)

Hereby, it was acknowledged, that the leaders, coordinators, instigators and accomplices, having participated in the designing and implementation of the common plan or conspiracy, directed primarily at committing any of the above-mentioned crimes, are responsible for all actions conducted by the individuals with a view of implementing the plan" and the official post held does not waiver them from the implicated responsibility. (par.6, 7 of the Statute).

These principles reaffirmed by the UN General Assembly Resolution 95 (1), December 11, 1945, constituted a part of the international community's *opinio juris* and encapsulated the universally recognized norms of international customary law.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide singles out acts that constitute the crimes, directed primarily against the national, ethnic, racial and religious groups of the civil population, although the genocide remained one of the most atrocious and gravest form of the crimes against humanity.

Fifty years later, when the outbreak of interethnic armed conflicts, in particular of intra-state character and the increased threat of the aggressive separatism outburst in the form of crimes against humanity, unthinkable even 50 years ago, led to re-emerging of international tribunals - International Tribunal for the prosecution of persons responsible for serious violations of the norms of international humanitarian law committed in the territory of the former Yugoslavia since 1991 (UN Security Council Resolution 827 (1993) and the Tribunal for the sole purpose of

prosecuting persons responsible for genocide and other such violations of international humanitarian law committed in the territory of Rwanda and for Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States, between 1 January 1994 and 31 December 1994 (UN Security Council Resolution 995 (1995) were established.

The Statutes of the Tribunals generalized the past practice and developed the concept and definition of the crimes against humanity. Moreover they extended jurisdiction to the responsibility of persons committed violations of the Geneva Conventions of 1949 and Protocols of (1977), and the laws and customs of war.

The crime of genocide is dealt in a separate paragraph(4), preceding the crimes against humanity (5).

As a matter of fact, the Tribunal grounded its jurisdiction into the already existing conventional and customary norms without codifying them although noteworthy the Tribunal's attempt to extend the list of acts coming under the ambit of the notion of crimes against humanity.

Article 5 of the Tribunal while referring to the crimes, committed on the territory of the former Yugoslavia states:

"The International Tribunal shall have the power to prosecute persons responsible for . . . the crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population" (Article 5,Statute of the ITY), including undoubtedly national, political, ethnic, racial or religious groups. (S/1994/674, par. 72). Regarding the crimes against humanity the International Tribunal for Rwanda(ITR) stresses the prosecution of persons responsible for. . . the crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds." (Par. 3) i.e. it does not link these crimes primarily with armed conflicts. Acts to be considered hereby are correctly interpreted by the experts as " principles of International Law treated *erga omnes* , for, as the International War Tribunal in Nuremberg defined, there exist "elementary norms of humanity" which must be recognized in all circumstances. This principle was confirmed by the UN General Assembly on December 11, 1945 (Resolution 95(1) (S/1994/674).

II.2. The nature of the armed conflict

Further, the experts have held that crimes against humanity are not limited to the situations of international armed conflict and are applied in relation to all armed conflicts, including internal-civil wars and insurgence as well as any *casus mixtus* of internal and international armed conflicts. Most importantly, crimes against humanity are not any more linked with crimes against peace or violations of laws and customs of war(*ibidem*, par.75).

II.3. Persons under protection

Crimes against humanity target peaceful population I. e persons not taking part in military actions.

However, in view of the experts, there are situations, where inhabitants of certain buildings, quarters or villages are searched and executed. In these circumstances, the attempt of the head of the family to defend himself and his relatives does not lead to forfeiting his status of civilian(S/1994/674, par.77).

II.4. Widespread and systematic nature of the acts

Isolated acts constituting offenses, such as extra-judicial execution or other common crimes punishable under municipal law, are not qualified as crimes against humanity by themselves. The acts must be part of a policy of persecution or discrimination. In addition, the acts must be carried out in a systematic way or by means of a mass actions. Thus, the number of victims and perpetrators are characteristically high. It is the systematic process of victimization against the protected group which is essential. It is the overall context of large-scale victimization carried out as part of common plan or design which goes to the element of systematicity.

It should not be accepted at face value that the perpetrators are merely uncontrolled elements, especially not if these elements target almost exclusively groups also otherwise discriminated against and persecuted. Unwillingness to manage, prosecutes and punish uncontrolled elements maybe another indication that these elements are, in reality, but a useful tool for the implementation of a policy of crime against humanity.(S/1994/674,par.84-85).

II.5. Classification of the Acts

Article 5 of the Statute of International Tribunal for Yugoslavia and Article 3 of the Statute of International Tribunal for Rwanda enlist the following acts which constitute crimes against humanity:

(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation;
(e) Imprisonment;
(f) Torture;
(g) Rape;
(h) Persecutions on political, racial and religious grounds;
(I) Other inhumane acts.

Article 18 of the draft Code of Crimes Against Peace and Security of Peoples stipulates: crimes against humanity mean the following acts, when they are systematic, and widespread and are instigated or directed by government or any organization or group:

a) murder;
b) extermination;
c) torture;
d) enslavement;
e) persecutions on political, racial and religious grounds;
f) institutionalized discrimination on racial, ethnical and religious grounds, including

violations of basic human rights and freedoms and serious harm inflicted upon the part of the population;

g) involuntary deportation and forcible removal of the population;

h) extra-judicial arrests and involuntary disappearance of persons;

I) rape, forcing to prostitution and other forms of sexual harassment;

j) other inhumane acts, causing serious bodily and mental harm as well as harm to human health and dignity such as mutilation and serious bodily injury;

Thus, there has been established clear concept and definition of crimes against humanity, principles of which are of *erga omnes* character and shaped as universally recognized principles of international customary law, having the absolute legal effect -*jus cogens*.

In the event the facts of committing these crimes are established the international tribunal should be set up for persecution of persons guilty in the crimes,given the state is either by itself responsible for the perpetrations or not in a position to exercise its jurisdiction over the territory, where the crimes are committed.

This right of the state is reproduced in the Genocide Convention:

" Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the acts was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction. (ArticleVI). According to Article VIII empowers any Contracting Party to call upon (underlined by the authors of the report) the competent organs of the United Nations to take such actions under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Undoubtedly, this right should be vested with the state, which is fighting against the crime of genocide in its territory. Significantly, the UN Security Council decided to establish the International Tribunal on the request of the government of Rwanda.(UN Security Council Resolution, S/RES/955, November 8, 1995 par 1)

II. 6. "Ethnic Cleansing" - crime against humanity

This crime though being widely attributable to the ethnic and other intra-state conflicts is missing from the list of "crimes against humanity". Nevertheless quite established *opinio juris* and judicial practice offer sound ground for regarding "ethnic cleansing" as a form of "crimes against humanity".

The UN experts, having examined character of the crimes committed in the territory of former Yugoslavia, held that "ethnic cleansing" is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. To a large extent, it is carried out in the name of misguided nationalism, historic grievances and a powerful driving sense of revenge. This purpose appears to be the occupation of the territory to the exclusion of the purged group or groups(S/1994/674, para 130). It is carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, rape and sexual assaults, confinement of civilian

population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property (S/25274, para 56).

The International Tribunal for former Yugoslavia has several times held that "the acts target the members of an identified civilian population, conceived as one or more groups, national or political; the commission of the acts follows the same pattern; the acts planned and organised at a State level. They appear to have a common objective: permitting the establishment of "ethnically pure" territories and thus creating a new State. The acts constitute the means to implement "the policy of ethnic cleansing"... The Trial Chamber therefore considers that the above mentioned acts can more appropriately be characterized as a crime against humanity"(International Tribunal for Former Yugoslavia. In the Trial Chamber, Prosecutor v. Radovan Karadzic and Ratko Mladic, Review of the Indictments Pursuant To Rule 61 of the Rules of Procedure and Evidence, para. 90-91, 11 July 1996).

As stated in the report of the Secretary-General pursuant to paragraph 2 of Security Council Resolution 808 (1993) concerning establishment of the International Tribunal for Former Yugoslavia: " Crimes against humanity refer to inhuman acts of a very serious nature, such as willful killing, torture or rape, committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds. In the conflict in the territory of the former Yugoslavia, such inhumane acts have taken the called :ethnic cleansing" and widespread and systematic rape and other forms of sexual assault, including enforced prostitution"(S/25704, 3 May 1993, Par. 48).

In its resolution 1996/71 of the Human Rights Commission:

"I.1 Condemns in the strongest terms all violations of human rights and international humanitarian law during the conflict, in particular in areas which were under the control of the self-proclaimed Bosnian and Croatian Serb authorities, in particular massive and systematic violations, including, inter alia , systematic ethnic cleansing, killings, disappearances, torture, rape, detentions, beatings, arbitrary searches, burning and looting of houses, shelling of residential areas, illegal and forcible evictions and other acts of violence aimed at forcing individuals from their homes, and reaffirms that all persons who plan, commit or authorize such acts will be held personally responsible and accountable;

I.2. Expresses its outrage that the abominable, deliberate and systematic practice of rape has been used as a weapon of war in the Republic of Bosnia and Herzegovina, recognizes that rape in this context constitutes a war crime..."

The Commission expressed its deep concern over actions, "that undermine the principle of right to return, including enforcement of legislation which restricts rights to claim "socially owned" property throughout the State of Bosnia and Herzegovina, unjustified evictions of persons from their homes and resettlement of displaced persons in homes which, under the agreement reached in Geneva on 18 March 1996, should remain vacant for six months"(I.3(b)).

This is not-exhaustive list of acts, that the Commission condemned, having clearly defined the structure of acts that come under the ambit of international crimes commission and invoke international criminal responsibility.

All stated above offers sound ground to assert that 'ethnic cleansing" is a crime against humanity and as such is subject to the competence of the international tribunal.

III. Genocide

III.1. Genocide - gravest crime against humanity

At present, there seems no room to question that Genocide is one of the gravest crimes against humanity. The Charter of the International Military Tribunal of 8 August 1945 contains clear stipulations concerning the acts that constitute crimes against humanity(see par. II.1). Consequently, the Genocide has been singled out as a crime against humanity to be later reflected in the relevant Convention.

The ITY (par.4) and ITR (par. 2) and Draft of the CCPSP (article 17) separately deal with this horrendous and atrocious crime against humanity, manifested in the acts, that are committed not with the mere purpose of mass and systematic persecution "of any civil population" and with the intent of their physical extermination, but most importantly, target any national, ethnical, racial or religious group.

Parties to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, referring to the UN General Assembly resolution 95(1) of 11 December 1946, which declares that "Genocide is a crime under international law, contrary ... to the aims of the United Nations and condemned by the civilized world " (preamble) , "reaffirmed", that

"The genocide ... is a crime under international law which they undertake to prevent and to punish".(Article 1)

In this respect, there is a need to draw close attention to the term "reaffirm": the participating states do not create a new precedent, but derive support from the already existing concept of crime for having the *erga omnes* customary norm translated into the conventional one.

The experts stressed, that the objectives of the Convention are to safeguard the very existence of certain human groups and to affirm and emphasize the most elementary principles of humanity and morality. In view of the rights involved, the legal obligations to refrain from genocide are recognized as *erga omnes* (S/1994/674, par.88).

Importantly, "Genocide is a crime under international law regardless of whether committed in time of peace or war"(Article 1).

"Thus , irrespective of the context in which it occurs (for example, peace time, internal strife international armed conflict or whatever the general overall situation) genocide is a punishable international crime." (S/1994/674, par.91)

III.2. Acts identified as crime of genocide

These acts, as a rule, are automatically reproduced from the Article 2 of the Convention.

The following three forms of the crime of genocide out of five, come within the scope of the document.

a) Killing the members of the group;

b) Causing serious bodily or mental harm to members of the group;

c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

The main objective of these acts should be the intention " to destroy on whole or in part, a national, ethnical, racial or religious group, as such"(*ibidem*).

Thus, for the crime defined as genocide, the whole destruction of the group is not required and the term "partial" is interpreted by the experts to indicate that "destruction of a group in whole or in part does not mean that the group in its entirety must be exterminated... If a group has its leadership exterminated, and at the same time or in the wake of that, has a relatively large number of the members of the group killed or subjected to other heinous acts, for example deported on a large scale or forced to flee,. exposing "the intent to destroy the fabric of a society through the extermination of its leadership, when accompanied by the acts of elimination of a segment of society, can also be deemed genocide"(S/1994/674, par.94).

Remarkably, "it is not a condition that the victim group be a minority, it might as well be a numerical majority"(S/1994/674, par. 95/96).

III.2. Intent

It is the element of intent to destroy a designated group in whole or in part, which makes crimes of mass murder and crimes against humanity qualify as genocide. This is the intent against a number of individuals, i. e. the crime against the collectivity, and not against one, two or more members of the group, the intent to destroy the group "as such". (S/1994/674/par.97)

Consequently, there must exist a clear , premeditated objective - to destroy and to extinguish an undesirable national, ethnical, racial, or religious group from the population of the state , region either by means of physical extermination as such, or physical extermination of the part of group and forcible expulsion of the others from the defined region, district or state in whole.

Deriving support from the above mentioned provisions the International Tribunal for the Former Yugoslavia stressed, that "The intent which in particular to the crime of genocide need not be clearly expressed... the intent may be inferred from a certain number of facts such as the general political doctrine which gave rise to the acts possibly covered by the definition in Article 4, or the repetition of destructive and discriminatory acts. The intent may also be inferred from the perpetration of acts which violate, or which the perpetrators themselves consider to violate, the very foundation of the group-acts which are not in themselves covered by the list in Article 4 (2) but which are committed as part of the same pattern of conduct." ("Review...", 11 July 1996, par. 94)

III.4. Ethnic Cleansing as a Form of Genocide

Investigating the character of the crimes on the territory of the Former Yugoslavia, the Trial Chamber of the ITY concluded, that

" certain methods used for implementing the project of "ethnic cleansing" appear to reveal an aggravated intent as, for example, the massive scale of the effect of the destruction. The number of the victims selected only because of their membership in a group would lead one to the conclusion that an intent to destroy the group, at least in part, was present. Furthermore, the specific nature of some of the means used to achieve the objective of "ethnic cleansing" tends to underscore that the perpetration of the acts is designed to reach the very foundations of the group pr what is considered as such."

The Trial Chamber therefore invited the Prosecutor to consider broadening the scope of the characterization of genocide to include other criminal acts... than those committed in the detention camps ("Review", par.95)

The Judge of ITY Foad Riad, having considered the indictment, submitted by the Prosecutor, concluded that,

"The policy of "ethnic cleansing" presents, in its ultimate manifestation, genocide characteristics. Furthermore, in this case, the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, specific to genocide, may clearly be inferred from the gravity of the "ethnic cleansing"...I. e. principally, the mass killings. Thus, the charge of genocide is indeed appropriate."(Case N IT 95-18-I The International Criminal Tribunal for the Former Yugoslavia. Before a Judge of the Trial Chamber. The Prosecutor V. Radovan Karadzic, Ratko Mladic. Review of the Indictment.16th day of November, 1995)

Later, on May 16, 1996 Trial Chamber, having considered the nature of the crimes, presented by the Prosecutor, classified them as follows:

a) the killing of members of the group or groups;
b) the causing of serious bodily or mental harm to the member or members of the group or groups occurred though inhumane treatment, torture, rape and deportation;
c) the deliberate inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part was put into effect in the detention camps and through the siege and shelling of cities and protected areas."

The Trial Chamber ascertained, that in time of specification of the nature of the acts, included in the "ethnic cleansing", it's necessary to discover whether the pattern of conduct of which is seized, namely "ethnic cleansing", taken in its totality, reveals such a genocidal intent." (Review", par. 93)

Undoubtedly, these conclusions were in considerable part predetermined by the UN General Assembly Resolution, which recognized the "ethnic cleansing" as one of the forms of genocide (Res.47/121, December 17, 1992).

The UN Commissions on human rights and its Sub-Commission on prevention of Discrimination and Protection of Minorities frequently refer to this resolution.

In the Resolution (1993/8) regarding the "Punishment of the crime of genocide" the Sub-Commission welcoming the General Assembly resolution Res 47/121, in which the Assembly stated that the policy of ethnic cleansing is a form of genocide and urges States Members of the United Nations to make every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in the territory of the former Yugoslavia or in any other part of the world. (E/CN.4/Sub.2/1003/45).

In the Resolution " The situation in Kosovo" the Sub-Commission

" Strongly condemns" the specific violations , "most of which are committed in connection with the systematic policy of "ethnic cleansing" and genocidal acts in the areas of the former Yugoslavia under the control of the self-proclaimed Serb authorities, and which include mass killing, torture, disappearances, rape, and other sexual abuses against women and children, the use of civilians as human shields on confrontation lines and as mine clearers, arbitrary executions, the destruction of houses, religious objects and cultural and historical heritage, forced and illegal evictions, detentions, arbitrary searches and other acts of violence"(Par.3) The Sub-Commission strongly reaffirms in order to achieve a peaceful and lasting solution and to improve the human rights situation in Bosnia and Herzegovina, the right of return to their homes in safety and dignity of all refugees and displaced persons victims of the "ethnic cleansing" and declared that the practice and consequences of "ethnic cleansing" should in no way be legitimized"(Par.8)

These notions serve as a stand out for all the following resolutions of the Sub-commission and Commission, in particular referring to the acts, falling under the term "ethnic cleansing" as to the crimes against humanity, that sometimes border and in certain cases fully match the "genocidal acts".

The Commission at its 49th session reminded, that in its resolution 1992/S/-2/1 called on all states to consider to what extent the acts committed in Bosnia and Herzegovina and in Croatia constituted genocide and took note of the resolution 47/121 of the UN General Assembly of December 17, 1992, which *inter alia* stated that " the heinous practice of ethnic cleansing constitute one of the forms of genocide (Res. Human Rights Commission 1993/7 on February 23, 1993)

The same approach is employed in the resolution of the Commission 1995/89 on March 8, 1995 (E/CN.4/1995/176 par.3,6,8,18,22).

Thus , the "ethnic cleansing" is not only one of the forms of crimes against humanity falling under the jurisdiction of the International Tribunals , but constitute one of the forms of genocide so that the relevant provisions of the Convention on Prevention of the Crime of Genocide and punishment " should apply to it.

Consequently, it could be stated that the "ethnic cleansing" in its extreme, aggravated form, when it amounts to the crimes against humanity as a whole and genocide in particular, match the acts, referred by International Law under the jurisdiction of the Courts with international competence, more even so as the state is not capable to punish the guilty due to having temporally lost the control over the region under the control of the individuals, carrying out the "ethnic cleansing" - genocide and appeals, therefore, for the assistance to the international community of states.

IV. Genocide of the Georgian Population of Abkhazia, Georgia, - the crime against humanity manifested in the form of ethnic cleansing

(The facts of criminal acts of the separatists stated herewith are based on the evidence of 15000 witnesses and victims of these acts, also on the considerable amount of photo and video materials collected by the General Prosecutor's office of Georgia in the process of the investigation and contained in more than 100 volumes).

IV.1 Criminal intent to exterminate the Georgian population of Abkhazia in the context of the official ideology of the separatists.

" From 1990-1992, in the Abkhaz Nationalist press, radio and television, in the lecture rooms of the University, in institutes and schools... the image of Georgia as the enemy was created in the public consciousness. This enemy was any Georgian, including the next-door neighbor. He was blamed for all the troubles of the Abkhazian people... He, allegedly, grabbed everything, ribbed everyone. He drank the blood of Abkhazian." (S. Chervonnaia. Abkhazia - 1992. The postcommunist vandea. Moscow. 1993. p.82.)

The ideas, contained in scholarly analysis, public statements of writers and politicians figures and slogans employed at the public rallies organized by the Abkhaz separatists to Soviet Authorities and Communist Party bodies during the period of existence of the Abkhazian Autonomous Republic indicate deliberate and premeditated nature of barbaric acts carried out against the Georgian population of Abkhazia. It is important to note that a disorientation of the international community was already underway during the Soviet era during which the Soviet press and broadcast media were often employed to disseminate anti-Georgian venom, a practice which greatly intensified during the period of 1989-1992.

The separatist ideologists have attempted to assert, that Abkhazia has never been a part of Georgia, and that its independence is of centuries old standing. Continuing the distortion of facts, they keep holding that the Democratic Republic of Georgia(1918-1921) first occupied Abkhazia, and then Soviet Georgia to which Abkhazia was joined in an agreement re-annexed it again in 1931, unilaterally transforming its relation with the Georgian SSR from to one of autonomy within the larger republic.

Nevertheless, according to A. Gogua (Druzhba Narodov, 1989 N5 p.159) Georgia "having preliminarily exterminated or bled white the intelligentsia, closed down Abkhazian schools, resettled more than 200 000 inhabitants from other parts of Georgia onto the best Abkhazian lands which resulted in the assimilation of part of the native population, they plunged one of the most ancient peoples of the Caucasus and its culture into a state of shock, turning its autonomy into a mere facade". The same thought is reiterated by G. Tarba, B. Guruli and B. Sagaria as well, only their accounts differ by the numbers 100 000 and 60 000 respectively.

This is a rather convenient case of amnesia with regard to the fact that Abkhazia has for centuries been a part of the Georgian State, during the period of the unified Georgian Kingdom (11^{th} -15^{th} centuries) as well as during the subsequent years of disintegration. This amnesia conceals the fact that the Abkhaz and Georgian people have lived side-by-side for centuries, the territory of Abkhazia being full of archaeological and architectural evidence containing Georgian

inscriptions that date from ancient days attesting to this fact. For centuries Abkhazia's political, democratic and ecclesiastical language of choice has been Georgian. Even a letter to the Emperor of Russia from Abkhaz Authorities asking for protection was written in Georgian.

In blaming Georgians for the forcible reduction of the Abkhaz population to a minority, Abkhaz separatists conceal the fact that by the end of the 19th century the Russian Empire forced thousands and thousands of Abkhazians into exile, a process widely known as the Mahajir movement. This was the punishment of Abkhazs for their cooperation with the North Caucasian peoples in the Caucasian War. Enough to shatter any myth of an idyllic Abkhaz-Russian relationship.

It is an indisputable fact that for over a century the Georgians have constituted the majority in the region. In 93 years (from 1896-1989) their numbers increased only seven times, against Russians and Armenians increase of 65 5 and 67.7 times respectively.

Remarkably, in 1992, in the wake of the conflict, the reference book containing surnames and addresses of all Georgian families, residing in Abkhazia, has been published, to be, in fact, further used as a kind of guideline facilitating extermination of the Georgians.

Significantly, the slogan " genocide for the genocide" has become a hallmark of all publications.

IV.2 Political, civil, social and cultural rights of Abkhazs prior to the armed conflict(August 14, 1992)

Abkhazia enjoyed the status of autonomous republic within Georgia, i.e. the state entity with legislative, executive and juridical bodies exercising supremacy within the competence defined by the constitutions of Georgia and Autonomous Republic of Abkhazia. The Constitution of the Abkhazian Autonomous Republic was the only basic law among the autonomous republic in the USSR to declare Abkhaz language one of the official languages of the Autonomy..

For out of the total population of the region Georgians comprised more than 47% with other non-Abkhazs 35% and Abkhaz themselves 17% however, the latter prevailed in the government and party bodies of the Autonomy;

The Supreme Soviet- 57 Abkhazs, 53 Georgians and 14 Russians;

In municipal and regional councils Abkhazs held 1/3 of the positions;

Of the members of the Council of Ministers and the City Committee of the Communist Party, more than half were Abkhazs. Out of twelve Ministers of the government of the Autonomy, eight were Abkhaz;

Out of eight Chairman of State Committees, five were Abkhaz. Out of eight city and regional procurators Officers, five were headed by Abkhaz.

By 1990, the Abkhaz were widely represented in the Government and Party bodies of Georgia. Furthermore, in 1991 the separatists through political blackmail managed to pass a law granting the Abkhaz -28 Parliament seats out of 65, with Georgians 26 seats, and the remaining population 11 seats.

Abkhazia ranked number one in the USSR in terms of number of books per capita in the native language. While by 1970 all schools of autonomous republic elsewhere in the northern Caucasus had been instructed exclusively in Russian, in Abkhazia there were 25 schools teaching in Abkhazian, as well as numerous schools with mixed Russian-Abkhazia-Georgian instruction. Until recently, the education of more than 4000 students was available in Abkhaz language, including in the Abkhaz State University.

Abkhaz National Television, Radio, Repertory Theater, Folk Song and Dance Company, A Cappella Company, and numerous other creative companies were state supported and subsidized.

Besides the Abkhazian Institute of History, Language and Literature of the Georgian Academy of Sciences, about twenty scientific-research institutes with 5000 scientists, 500 doctors and candidates of sciences functioned in the Autonomous Republic.

The fact, that the Abkhazia was and remained a constituent part of Georgia did not give rise to doubts neither during the existence of the USSR and its collapse nor to the founders of CIS and international community. According to the Alma-Ata Agreement (December 21, 1991) the sovereignty of Georgia along with other former Soviet Republics was reaffirmed within its borders, including the Abkhazian Autonomous Republic.

The territorial integrity of Georgia was later affirmed by the United Nations, as it accepted Georgia to its membership on July 31, in 1992. However, this fact, did not stop the separatists, long waiting for convenient moment with the view of implementing their aggressive plans. To this end they have finally embarked upon manipulation of the right to self- determination.

As widely known, modern international law prohibits the exercise of the right to self-determination with the view of impediment of territorial and political integrity of sovereign, independent states, which observe the principle of equality and self-determination of peoples and by virtue of this have government, representing interests of all people residing in the territories without any discrimination (Declaration on Principles of International Law ... "Vienna Declaration and Plan for Action" Doc. UN A/Conf/157/23 - July 12, 1993).

IV.3 Legal and military preparations for implementing the plan "Abkhazia without Georgians"

Availing the opportunity, that with the inevitable dissolution of the USSR the Russian reactionary forces called upon the separatists to undermine from inside the fight of the Union Republics for establishing the democratic and sovereign states, the Abkhaz separatists began to transcribe the ideology into the so called "legal act-making": abolished the laws of the Georgian Republic on the territory of Abkhazia, one by one adopted the laws in contravention of the both Georgia`s and Abkhazia`s constitutions.

On August 25, 1990 the Abkhazian Autonomous Supreme Soviet adopted the Declaration of "Governmental Sovereignty of the Abkhazian Soviet Socialist Republic", which in essence amounted to secession from Georgia, and unilaterally violated the Constitutions of the Abkhazian Autonomous Republic and the Republic of Georgia. According to the Declaration " in the Abkhazian Autonomous Supreme Soviet the constitutional advantage of the nation, which gave the name to the republic, is guaranteed."

The conspirators revealed the separatist aims in the Decree " About Legal Safeguard of Abkhazian Statehood" of August 26,1990. On August 27, 1991, the separatists made some amendments in the Law "On Elections of Deputies of the Supreme Soviet" by resorting to the blackmail. As a result of these actions, the Abkhazs artificially attained a majority in the Supreme Soviet, thus abrogating the rights of Georgians- the majority of the population in the autonomous republic.

In 1991-1992, in contravention to the provisions of the Autonomous Republic of Abkhazia, several normative acts and decrees were passed bringing about the diminution of the jurisdiction of Georgia and violation of its territorial integrity. In particular, on "Monetary-Credit Regulations in the Republic of Georgia", "The National Bank of the Republic of Georgia", "Banks and Banking", "On Laws in the Republic of Georgia" and others. Documents additionally adopted included the normative acts on establishing the Inter- Economic Committee and the Committee for the Inter - Republic Relations, customs service, the Abkhazian national monoethnic guard, the Abkhazian battalion "Aidgilara" of the Confederation of Mountain People of Caucasus, on transferring jurisdiction over the prosecutor, military and militia units of the Ministry of Internal Affairs, security bodies, state property and privatization committees. Unfortunately, the reaction to such legal "subversion" by Georgian authorities was neither timely nor adequate. Moreover in July 1992 by ignoring the elementary constitutional norms against the Georgian members of Parliaments will, the separatists abolished the Abkhazian Constitution of 1978 by a simple majority of votes and "restored" the so called Constitution of 1925 of the Abkhazian SSR, that had never been in effect in the opinion of the specialists. With the aim of changing the democratic situation "peacefully" and to mechanically increase the Abkhazian population, the separatists adopted discriminatory decrees "On registration restriction of population in Abkhazia," then "On the Changing the Surname and Nationality" almost prohibited any non-Abkhazian population to live in the region. These decrees did not apply to foreigners who could, without any identification documents, claims to be Abkhaz. The granting of residence and registration of foreigners were carried out in a very simplified and confidential way.

Only on March 1992 in Sokhumi, Ochamchire and other regions, the right to permanent residence was granted to 100 people from the number of foreign countries. Such illegal registration has continued on a larger scale. The Separatists awarded mercenaries the right of permanent residence as well as unlimited freedom of looting in Abkhazia.

In Moscow, St. Petersburg, Krasnodar and Stavropol Territories, the Far East, some of the local authorities encouraged and supported the idea of aggressive separatism. Some republics of the North Caucasus(Russia), especially in the Chechen Republic, also lent direct military support for the notion of aggressive separatism in Abkhazia. They established recruiting centers for drafting "volunteers". Consequently, Abkhazia became a place of refuge for the worst sort of gangsters and killers.

A special "role" in recruiting and financing mercenaries was played by the Confederation of Mountain People, which declared that Georgia and its capital Tbilisi were zones of subversion and the main target for terrorist actions. It is established that two-thirds of the whole number of the separatist armed formations were paid mercenaries.

They were primary addressees of Mr. V. Ardzinba's promises to granting to the mercenaries "citizenship and homes"(Izvestia newspaper of 19 October, 1992). In the course of preparations for war the Abkhaz separatists purchased weaponry and heavy artillery at bargain prices from the corrupt leadership of the Russian armed forces deployed in Abkhazia with support being rendered to them by the influential groups from the political and military structures of Russia. Moreover, soldiers and officers of the troops mentioned above took part in military actions.

IV. 4. Breakout of the armed conflict

"If one evaluates the degree of hysteria, employed by the Abkhaz side, it seems to me that the Abkhaz side is to be blamed for the conflict as with such intolerance, exposed by the separatist movement it would have been more surprising if these things did not happen. As far as I am competent to judge and I found myself nearly in the center of events, these clashes were premeditated and instigated by the Abkhaz side. The essence of the conflict is not in depriving the local authorities of their prerogatives as it is portrayed by the Gudauta regime, but carrying out purposeful military action, not spontaneous, but well prepared and planned. The design, objectives and means of the action were considered long before emerging of "the hot spot" (eyewitness of the resident of the main intelligence department of the Ministry of Defense of the Russian Federation-Mikhail Demianov, "Two Truths are Non-existent", Tbilisi, 1996, also recorded on the videotape).

These actions were facilitated by instability in West Georgia where supporters of ex-President were continuing their joint efforts with the Abkhaz separatists to undermine the democratic government with terrorism leveled at highway and railway traffic, kidnaping members of the Georgian government and holding them hostage in Abkhazia. In the mid-1992 in the territory of Abkhazia the railway and highway traffic as well as the air transport seized operating. The robbery of trains carrying passengers and goods to both Georgia and Armenia increased dramatically having become a normal sequence of life.

At the railway stations of Gagra, Bzipi, Gantiadi, Gudauta, Dranda, Gali, Achigvara, Salkhino, Sokhumi, Ochamchire, Ingiri, Zugdidi and other stations, separatists paramilitary formations launched multiple raids and made off with 1,923 carriages of goods, destined for Georgia and Armenia at a total value of 11 bln. Roubles (by the rate of rouble at that time). In the first half of 1992 alone, there were 1142 criminal cases of attacks and bombing.

With the aim of creating disorder, anarchy and chaos in the legitimate state structures of the republic, terrorists and saboteur groups methodically threatened the lives and health of officials and the population of Abkhazia, violating their human rights.

In the summer of 1992 there were 2 cases of officials being kidnapped (a. Kavsadze and R. Gventsadze) in the Western Georgia and kept in Abkhazia. At the same time, a Georgian official, Kandid Gogua have been deliberately killed in the western part of Georgia. These acts had grave consequences.

It has become necessary to dispatch again troops into Abkhazia from where they had been relocated in February 1992, having spent a month in the region with a view of restoring order. In any event, it could not be disputed that the government is entitled to dislocate troops at any point within the territory of the state, including that of the autonomy.

As stated by Mr E. Shevardnadze at the meeting of the State Council of Georgia: "Within one-two months period the security and delivery of goods will be under full responsibility of the ministry of defense. In any case, trains must be accompanied. It is necessary to establish 2-3 camps between Leselidze and Samtredia to ensure relief of the accompanying guard on permanent basis. One of the camps should be established in Leselidze. The personnel is to be chosen thoroughly. No one of them should enter towns and villages. The local militia will keep order in towns and villages and if necessary will be reinforced from the center, in some places they do not deem it necessary. If the population demands, additional militia forces will be dispatched from the center.

I would like to stress that in towns and villages as well as in the places of gatherings the troops will not be used and will not have contact with the population. The protection of the bridges, railway spans and the infrastructure, related to the railway traffic will be tighten...."(short-hand record of August 10, 1992).

The State Council announced the state of emergency by its decree of August 10, 1992, that was to be implemented by the troops of the Ministry of Defense and Ministry of Interior along with the forces of the Railway Department of the Republic. The State Council demanded from the heads of these bodies not to allow the dislocation of the military forces and equipment into the towns and villages.

It is quite clear, that the Georgian authorities did not intend to carry out military action against the Abkhazian Autonomous Republic. The assertions of the separatist leadership and their supporters about the "aggression and occupation" are soundless and rooted into falsification of facts.

It should be noted, that the minister of defense of Georgia at that time Mr. Tengiz Kitovani was instructed to co-ordinate the plan of dislocation and actions of the troops with the leadership of the Abkhazian Autonomous Republic as the latter was informed beforehand on the relocation. As it appeared, Mr. T. Kitovani did not follow the instructions and thus offered ground to the separatists for provocation and pursuing their aggressive aims.

On August 14, 1992 Abkhaz separatists opened fire on the Georgians armed forces, killing and wounding their personnel. The General Prosecutor's Office possesses in its investigation files incontestable videotaped evidences of this fact.

IV.5 Systematic and widespread nature of the acts

"The Georgians can live here no longer in Abkhazia they can only die".

Accomplishing the objectives of this fascist ideology was considered possible by the separatists leaders if they would resort to the systematic and mass annihilation of the Georgian population of Abkhazia with the rest to be expelled from the region as a result of bloody terror and forcible deportation.

"The issue (starting the conflict) whatever paradoxical it may seem is ethnically motivated. This is issue by which the heads of the Gudauta extremists are being preoccupied - ethnic cleansing of their own region. We are not speaking only about deportation and forcible removal but as well as extermination of Georgians, which constitute by virtue of objective circumstances majority of the population" (See above, M. Demianov, par. IV, 4).

This policy has been conducted in Abkhazia in stages Gudauta zone - from 14 August to 2 October 1992, Gagra zone - 2 October 1992 to 15 September 1993, Sokhumi, Ochamchire, Gali and Tkvarcheli zones - from 16 September to the present day.

As a result , about 10000 peaceful population have been killed and over 200000 Georgians have been forced to free from their birthplaces. What attracts the attention is nearly the same design of the acts perpetrated in different areas under the separatists control.

Before wiping out the areas populated by Georgians the separatists took off to the zone the Abkhaz population. Gudauta district was designated as an area where the Abkhaz should gather to give to the separatists the possibility of conducting policy of total annihilation of the Georgian population in the territory of Abkhazia. Remarkably, when the government troops surrounding the town Tkvarcheli let in the town the humanitarian relief the Abkhaz leaders used this opportunity for taking out only Abkhaz population by the Russian helicopters excluding all others.

Only after the strong protest of the Georgian government the places though very few were allocated in the helicopters to the Georgians and others.

The extermination of the Georgian population was carried out even in the areas never affected with military actions. This was the case in the Gali Region with 80 000 Georgian population, where more than 1000 peaceful civilians have been killed, tortured, burnt alive and the rest expelled. Tens of elder people, children and women died being not able to stand all hurdles of fleeing through mountainous pass. The refugees and displaced persons still are not allowed to return to their homes as those who dared to return at their own risk to the Gali Region are persecuted and often to death. This is the way, how the slogan "the Georgians can live here no longer, in Abkhazia they can only die" was and is still translated into the reality. The author of the slogan- a former commander of one of the illegal formations Mr. V. Smir, currently holds the post of the Deputy Minister of Interior of the self-styled republic of Abkhazia.

As witnessed by Lali Maskharashvili , a nurse at the Gagra hospital " The separatists brought the corpse of the Georgian girl to the hospital. She was sawed in half. The letter in Russian said: "it is impossible to put this girl back together again, thus , it is impossible to put Georgia and Abkhazia back together again."

The separatists kept Shota Mgeladze naked , standing in water up to his knees for the whole night. Then one of the boeviks cut his left hand with knife, filled a glass with blood and demanded that he drink his own blood. When S. Mgeladze refused, the boevik apologized cynically with the words: "You should not be too hard on me. I'll drink not only your blood, but every Georgian's blood". Then he drank the blood and threatened that if Georgian did not leave the territory of Abkhazia, they would all be exterminated.

The systematic and mass destruction of the Georgian population was the main objective of the armed conflict and not its by-side effect.

IV.6 Extermination of the Georgian leadership of the Abkhazian Autonomous Republic and leading servants in the sphere of education, health care and culture

Shortly after the fall of Sokhumi, 27 September 1993, Jiuli Shartava, Chairman of the Council of Ministers of the Autonomous Republic of Abkhazia, was tortured mercilessly and shot dead. The same fate was shared by most members of his government, including the mayor of the capital - G. Gabeskiria, the chief of the local Abkhazian police - Rapava, the deputy of the head of the Gagra Municipality - M.Gincharadze, and other key officials and staff members.

The separatists massacred more than one hundred artists, among them many women, who were tortured to death, including Nato Milorava (37 year old), the art manager of the Gumista cultural center, the drama artists V. Ckheidze, T. Zhvania, G.Gelovani and Y.Gelovani, director of the Sokhumi central park.

The separatists have killed more than eighty physicians, mostly women. V.Kholbaya, T.Tsotoria, N. Shonia, A.Shelia, M. Beselia, I. Tkhebuchava. The following physicians were killed while exercising their professional duties. Z.Danelia, G. Sichinava, R.Ispekcthian, G.Barkalaia, Sh. Gvazava and others. In Gulripshi the chief physician of at the hospital Sh. Jgamadze and his colleague P.Shichinava were shot dead before the members of their families.

The separatists and their North Caucasus accomplices slaughtered more than 200 teachers, among them 60 women. V. Sigua, I. Gogokhia-Tchitanava, T. Dzandzava, E. Pilpani, L. Akubardia, T. Pachulia, G.Grdzelidze and others.

IV.7 Mass executions and murder of the peaceful Georgian population accompanied by cruel treatment

a) mass executions

The mass killing of the peaceful population of Georgia were accompanied by the torture of old people, women and children.

The Georgian population was massacred and those who survived were expelled en masse, first from Sokhumi and Gudauta, where the Abkhaz separatists had accumulated their illegal armed formation. In the very first days of the conflict 5000 Georgians had been expelled from Eshera, Likhni, Aradu, Akhalsopeli. The rest were subjected to different atrocities. In Akhalisopeli, 17 people were shot dead. A 70 year old man named I. Grdzelidze was stabbed repeatedly and had his heart cut out from his chest, in public; A. Maisuradze was cut to pieces with an ax; 65 year old N. Kvabzianidze was hitched up to a tractor and tortured to death.

After the fall of Gagra the separatists bands undertook mass killings, plundering and torture of the population of the city.

According to the statements of eyewitnesses, on October 5 in Daba Leselidze 50 peaceful Georgians were tortured and hanged on lane posts. The separatists tortured with particular severity the population of Gagra, Salkhino, Gantiadi, Lidzava, Alakhadze and Bzipi.

According to N.Chaladze's statement, after the occupation of Gagra, Abkhazian TV declared that Abkhazians and their mercenaries would receive as compensation the houses of those Georgians that they had murdered.

T. Jincharadze stated, that together with other Georgians on October 7, 1992 he was forced to gather 250 corpses of Georgians in Gagra streets, they were "loaded" on four "Kamaz" vehicles, and then thrown into a big pit. As witnessed by K. Sichinava, after the fall of the town, its Georgian population was murdered on a massive scale. At the village of Dzveli Kindgi the mercenaries shot 72 Georgian inhabitants whereas in the Gulripshi region, in the village of Ganakhleba, Abkhaz boeviks executed 48 Georgians.

As stated by the resident of Sokhumi L.Zoidze, the group of Abkhaz separatists exterminated the whole family of Pkhakadze, cut their heads off, stuck them on stakes and burnt them to a crisp.

According to L. Makharashvili : "The separatists brought the corpse of a Georgian girl to the hospital. She was sawed in half. The letter in Russian said: "As it is impossible to put this girl back together again, thus, it is impossible to put Georgia and Abkhazia back together".

As witnessed by G. Arzumanian in the village of Akhaldaba the Abkhaz separatists cut off the heads of the peaceful population. About 60 Georgian women were necklaced with tires and burnt alive. They shot mercilessly every child and young man. Those who survived were driven to the stadium and shot dead one by one. As a result, in the village of Akhaldaba about 400 people were killed altogether, in a single day.

On the 10th of March, 1995, the boeviks of Abkhaz and other nationalities, operating under the orders of the Sokhumi Authorities, penetrated into the villages of Gumurishi, Zemo and Kvemo Bargebi, Otobaia and others. They plundered Georgian families, and shot dead all of those who resisted them.

According to G. Badzagua's statement on March 12, 1995, the armed groups stormed into the Nabakevi village, detained his brother Jumber and their neighbors M. Kvaratskhelia, D. Narmania, G.kharchilava and R. Cherkezia. They took these villagers to a plantation, where Kharchilava and Cherkezia were murdered. The rest of them were brought to Kvemo Bargebi and there they too were slaughtered.

The separatists murdered more than 400 people in Sokhumi Park of Culture and rest. The separatists bombarded the airport of Sokhumi, where thousands of Georgians, Russians and citizens of other nationalities were waiting for aircraft every day. The separatists shot down several civilian aircraft. A number of people fell victim to that brutal assault, among them more than 50 women and children.

After the invasion of Sokhumi, separatists martyred 100 of Georgians - elderly people, invalids, women and children.

b) murders carried out with particular cruelty (torture, burning alive)

As a rule, the mass murders of the Georgian peaceful population were preceded by the torture and cynicism.

According to S. Dgebuadze: in Kindgi and Tamish, the Abkhazian separatists killed scores of Georgians, cut the corpses into pieces, hanged them on the lamp posts and inscribed: "Georgian "meet" for sale"

According to O. Gobejishvili: On the second day after the invasion of Gagra the mass exterminations of the people began. The separatists did not spare even pregnant women. The boeviks cut the women's bellies open and then trampled on the embryos.

The separatists tortured with particular severity the population of Gagra, Salkhino, Gantiadi, Bichvinta, Lidzava, Alakhadze and Bzipi. They murdered without distinction old people, women and helpless children. Among those martyred were: I. Kometiani, D. Kuchukhidze, N. Charkviani, S. Bobokhidze and S. Gvazava. The separatists ruthlessly slaughtered: O. Bzhalava - before his children and wife; B. Kutsia - before his wife's eyes; V. Benidze - before hid daughter's eyes and G. Glonti. The separatists caught a teacher, V. Samkharadze, aged 65, cut his head off and threw his body into the street. They did not permit the members of his family to bury the deceased. The corpse was torn to pieces by dogs and pigs. The separatists also cut off G. Pipia's ears and nose and then killed him.

From T. Barkalaia's statement: The Abkhaz killed his cousin T. Kvelidze, resident of Lidzava, before his eyes. First they cut off his nose, then ears and one leg, and then shot him. In the same way they killed 70 year old A. Simonishvili. The separatists kept S. Mgeladze naked, standing in water up to his knees for the whole night. Then one of the boeviks cut his left hand with a knife, filled a glass with blood and demanded that he drink his own blood. When S. Mgeladze refused, the boevik apologized cynically, that he drink not only his blood, but every Georgian's blood. Then he drank the blood, and threatened that if Georgians did not leave the territory of Abkhazia, they would all be exterminated.

The statement of Eter Berulava reads as follows: "A. Davitaia, who lived at 22 Komkavshiri Street, was tortured and killed, but prior to that, the separatists burnt his house down. O. Beria and 5 members of his family were killed with unusual barbarity, M. Gakharia, A. Kvaratskhelia, V. Kalandia and many others were martyred as well.

According to the statement of Roza Gabedava, on September 27, 1993, after the invasion of Sokhumi, Abkhaz separatists and mercenaries from other nations attacked them. Her husband Murman Todua and her son Zurab, together with their neighbors and Georgian policemen, were hiding in one of the nearby buildings. The boeviks found them and shot them dead. Roza Gabedava had to dig the grave herself and buried her family there, along with other victims.

Next to school No. 12, in front of the beer bar, drunken Abkhaz and other boeviks played a game with the decapitated heads of slaughtered Georgians, kicking the heads back and forth and shouted with laughter.

Two additional residents of Sokhumi, R. Shubladze and G. Kvashilava were executed with machine guns. Later, the separatists cut off flesh from their legs and arms and threw it

on the floor. When R. Shobladze's horrified wife asked them why they had committed such an atrocity, they replied that the same fate would be suffered by all Georgians who would dare to stay in Abkhazia.

The Abkhaz separatists and their boeviks have repeatedly launched assaults against the villages of the Gali region. In the village Okumi 65 persons were killed savagely; out of which 20 were women. Among those murdered were Venera Antia, age 90. Neli Gargaia, age 55. Vara Gunia, age 81, Alma Latsuzbaia, age 67, Natela Shelia, age 56.

In the city of Gali 128 people were tortured to death, out of which 20 were women.

In the village Achigvara 70 people were shot, out of which were 17 women. In Gudava 55 people were martyred , out of which 14 were women.

The same tragedy took place in Mziuri, Kvemo and Zemo Bargebi, Repi-Shesheleti, Otobaia, Nabakevi and other villages. The Abkhaz separatists burnt alive the helpless women - Z. Tsurtsumia, V. Chargazia, C. Chaava, S. Djologua, K. Gangia, T. Kvachabia, R. Zamtaria, V. Tarbaia and other.

IV. 8. Mass rape, including of children

The family of the Director of the Gagra Health Resort - A. Baramia was attacked by the Abkhaz separatists. They raped his wife and his daughter Tsitsia. Then they tortured and shot dead A. Baramia and all of his Guests.

According to the statement of N. Bagashvili (Ochamchire region), the Abkhaz separatists invaded their village, captured the majority of the population there - primarily women and children. They raped in public 25 girls aged 12-16. This mass sexual violence against helpless children continued for a full week. After raped the girls, the separatists cut off their nipples. According to the statement of V. Gurchiani the Abkhaz separatists systematically raped women and children in the village Varcha (Gulripshi region). In the village Akhaldaba (Ochamchire region) the separatists raped R. Chakvetadzes's wife and two daughters and R. Sanaia's 13 year aged girl, after that they killed all members of her family. By I. Pruidze's statement, the boeviks raped L. Goletiani, M Kurashvili, Zh. Kukhalashvili's 11 year aged daughter and burnt them.

According to G. Arzumanian's statement, the Abkhaz boeviks after invading the Akhaldaba village, raped women and nearly every child above 6. In the Ochamchire region the separatists committed mass sexual violence of the sisters Poletaev and shot them that.

According to the statement of eyewitness B. Gulua, the Abkhaz boeviks raped Gogua in the village Kochara and killed them.

IV.9 Forcible deportation of the Georgian population

After signing an agreement on July 27, 1993, the Abkhaz separatists and their mercenaries increased the physical and psychological pressure on the peaceful Georgian population. In Bzipi they took passports away from Georgians citizens and struck their names off the list of tenants

without permission. The inhabitants, threatened by mortal danger, were forced to sign the demand, confirming that they were leaving their houses voluntarily.

On August 9, 1993 the separatists took Georgians to Adler airport, under threat of extermination, where they were forced to sign documents, compelling to leave their homes. 250 families, I. e. 3000 persons, were deported in this way, from Bzipi alone. Residents of Bzipi, K. Kikviladze and his 12 year old daughter were shot just for refusing to leave their home. The separatists shot others for the same reason.

Numerous facts of forcible deportation of the civil population were observed in the village Gantiadi, Leselidze and in the other populated areas. By the statement of D. Omanidze her and some other Georgian families in Pitsunda were forced to sign documents, compelling to leave their homes and were deported from Abkhazia. Their property was expropriated.

The same facts are confirmed by the evidence of the peaceful residents of Gulripshi region N. Nikoladze, A. Kakachia, T. Gulua and others.

It is established, that 17000 Georgian residents in Gagra left their native lands and became exiles for the reason of killings, threat and forcible deportation.

IV.10 Attacks directed against hospitals, medical personnel and areas under the protection of the Red Cross and Red Crescent symbols

The Abkhaz separatists and their mercenaries have killed more than 80 physicians, mostly women. V. Kholbaia, S. Tsitsoria, Ch. Shelia, O. Tkebuchava , M. Beselia and others. The following physicians were killed while exercising their professional duties: Z. Danelia, G. Sichinava, G. Barkalaia, Sh. Gvazava, and others. In Gulripshi the chief physician of the hospital Sh. Jgamadze and his colleague P. Sichinava - the physician of the republican hospital were shot dead before the members of their families.

The investigation established the facts of bombing and bombardment of the hospitals by the separatists located in Sokhumi, that involved destruction and human casualties. Nevertheless, the areas under the protection of the Red Cross and Red Crescent symbols were subjected to the bombardment.

IV.11 Destruction of cultural monuments and religious objects, indispensable to the identity of the Georgian population

As evidenced by Kharaishvili - the separatists tortured and exterminated the Georgians in Gagra, they extorted their property. The separatists shouted, that in the Gagra-Leselidze zone every Georgian would be killed, and Georgian books, monuments and houses would be burnt. In the same way the Abkhaz separatists and their mercenaries burnt down the monuments, books and schools.

In Sokhumi the separatists burnt down the monuments of Sh. Rustaveli and A. Tsereteli, cinemas: "Apsni", "Komkavshireli", "Rustaveli", "Sokhumi", Music schools N3, N4. The State Museum of Abkhazia was partially destroyed and the Papaskiri Republican Library was entirely

burnt down, the graves of the Georgian poets and writers were defiled; In Sokhumi region the separatists destroyed the palace of culture and regional library In Gulripshi region - the palace of culture and the houses of the Georgian writers, music schools and the temple, repaired by the Georgians; In the Ochamchire region - the cinema, regional library, the palace of the culture, the temple of Mokvi and partially the church of Ilori; In Gali region - the palace of culture, cinema, ethnographic museum, museum of academic I. Vekua in the village Shesheleti and the Museum of Regional Studies, In Gagra region - the monuments of K. Gamsakhurdia and the Hero of the Soviet Union G. Kilasonia, the friendship museum in Bichvinta; In the village Likhni, Gudauta region - church built by the Georgians in the 12th century, with the inscription on the Georgian language

The separatists killed more than 100 worker in field of Art including women. They also killed the artistic leader of the Gumista theater V. Chkheidze, T. Zhvania, F. Gelovani, the director of the Sokhumi Park of Culture and Rest I. Davitaia and others.

IV.12 Deliberate inflicting on the Georgian population conditions of life aimed at bringing about its physical destruction in whole or in part

The Abkhaz separatists deliberately create conditions with the view of the total extermination of the remained peaceful Georgian population in Abkhazia and obstructing the refugees and displaced persons return to their homes. Noteworthy, that such criminal acts are committed by the separatists even after the deploying Russian peacekeeping forces in the conflict zone. On the October 17, 1994, in Gali region the Abkhaz separatists and their mercenaries shot dead the peaceful residents Terenti and Emzar Lemonjava and burned their bodies. In March, 1995 G. Kharchilava, R. Cherkezia, V. Injia, G. Lezhava, I. Tsikolia, were killed. The systematic robberies and attacks toward the peaceful Georgian population are committed.

It is established , that in the beginning of the conflict the Abkhaz separatists totally blockaded the villages of Gudauta region populated mainly by the Georgians and deprived them of any means of earning their living and making them incommunicado vis-a-vis the outside world.

IV. 13 Total destruction of towns and villages by means of bombing, burning to ashes houses and buildings with their inhabitants

The separatists destroyed and burnt to the ground thousands of Georgian houses, to deprive them of the opportunity or desire to return to their homes. The policy of ethnic cleansing-genocide of unthinkable magnitude was carried out against the Georgian population, in particular in the Gali region ,where 97 percent of more than 80 thousand residents of the region were Georgians. On September 29,1993, the separatists and their occupants invaded Gali region and started the mass extermination of the peaceful population.

Since February 1994, the Abkhaz separatists have repeatedly launched assaults against the villages of the Gali region, plundering, killing and terrorizing the population. They destroyed and razed to the ground hundreds of villages. They burnt and ruined 6800 buildings, 40 schools, 35 units of domestic and economic purpose, stole more than 25 thousand cattle, plundered the

factories, captured expensive, foreign equipment, causing irreparable damage to the economy of the region. In the village of Okumi, from 710 buildings of the peaceful Georgian population 610 were ruined, 65 persons were killed savagely, out of which 20 were women of old age. In the village Achigvara, 411 houses were burnt and destroyed. 70 people were shot, out of which 17 were women. In Gudava, 429 houses were burnt down. 55 people were martyred, out of which 14 were women.

Elderly helpless women were burnt alive in their houses: Zh. Tsurtsumia, V. Chargazia, Ch. Chaava, Sh. Jologua, G. Gangia, L. Kvachakhia, R. Zantaria, B. Malishava, V. Tarbaia and others.

In Sokhumi A. Davitaia was burnt in his house. O. Beria was suffered by the same fate with his five members of the family.

For several months the separatists bombarded Sokhumi and Ochamchire, with ten of thousands of bombs. In the city of Sokhumi 400 citizens perished through such bombing. The separatists bombarded, as a rule at night, when the town was asleep.

IV.14 Depriving the refugees and forcibly displaced persons of the right to return to their places of residence and terror towards those who have dared to return

By implementing ethnic cleansing/genocide, the separatists have effectively reduced the Georgian population to zero. They did and continue to do everything in order not to allow the return of the displaced persons to their native lands throughout whole territory of Abkhazia including the Gali region , where in accordance with the Quadripartite Agreement, signed on April 4, 1994 by the Georgian , Russian, UNHCR and Abkhaz separatists' parties and other agreement, the displaced persons should return first.

Consequently, the number 311 i.e number of displaced persons allowed to their homes, heralds the reign of cinisim. With such speed, the return of the refugees only into Gali region would last more then 200 year, as in the whole territory of Abkhazia - 800 years respectively.

The UN Security Council in its resolutions on the conflicts in Abkhazia demands the return of refugees and displaced persons without delay or preconditions (see the draft resolution 1065 (1996), 1096 (1997)). This practice of obstruction was condemned at the Lisbon Summit (Declaration, par 20). The Council of the Heads of CIS States repeatedly condemned the impeding of return of the displaced persons in the Gali region.

However, the separatists ignoring the demands of international community, continue to carry out the policy of deliberate extermination and terror in relation of those, who dared to return to Abkhazia at their own risk.

" The Abkhaz authorities are continuing to implement a policy of violent ethnic cleansing designed to prevent significant repatriation to Gali District and elsewhere in Abkhazia. Tactics used range from simple verbal intimidation and short-term arbitrary arrest and murder. Some of the atrocities were committed under the order from Sokhumi..." (Source- OSCE Mission to Georgia and UN personnel in Tbilisi, "Report on Survey of Human Rights Conditions in Gali

District, Republic of Georgia " on the visit to Western Georgia and Gali District controlled by the Abkhaz, from 19 - 21 April, 1995).

Remarkably, after the CIS Peacekeeping Forces, recruited by the Russian armed forces brought into the conflict zone, more than 1300 peaceful residents, especially elder people, women, children, were killed in Gali region and more than 6000 houses burnt down.

But nothing could prevent the desperate people, they return to their homes at their risk. More than 30000 persons have already returned, some of them are becoming the victims of terror and often roam to place to place to escape the punitive operations, conducted as reprisals for the so-called terrorist acts of partisans.

The Hitlerian thugs acted in the same way.

The fact remains, that the separatists use all means not to allow the demographic composition of Abkhazia to return to *status quo ante* despite of the UN Security Council's affirming the unacceptability of the forcible demographic changes(Resolution 1065(1996), 1096 (1997).

V. Conclusions and recommendations

V.1. The facts, established during the investigation of the events that took place before the beginning of the armed conflict(August 14 1992), launched against the democratic government of Georgia by the Abkhaz separatists as well as during the military actions(August 1992-September 1993) and then after the cease-fire and the assumption of control by the illegal military formations, including thousands of mercenaries, over the whole territory of Abkhazia, witness:

V.2. The separatists have been continuing their policy of "ethnic cleansing" manifested in the form of genocide against the Georgians, that constituted 45, 76% I. e 244 872 persons of the population of Abkhazia.

V.3. The preparations for these crimes have continued for years as the official and non-official mass media of Abkhazia along with political figures and scholars imbued the youth with the hatred towards "Georgian occupants" and blessed the day when there would be no Georgian in Abkhazia.

V.4. Having acknowledged, that for the minority group(Abkazs amounted to 94767 persons I. e 17, 73%)of the multiethnic population of Abkhazia there would be no "democratic" way for securing the break out of the region from the rest of Georgia, the separatists from the very beginning of the conflict embarked upon the exterminating the Georgian population.

The premeditated genocide of the peaceful Georgian population was set to implementation with active assistance of the instigators and accomplices, including thousands of mercenaries from Russia, twice in numbers than the Abkhaz formations themselves. It was manifested in mass extermination of people, tortures, burning, hanging, rape, systematic bombing of populated areas, destruction of hospitals, towns and villages. Ancient monuments of the Georgian culture showing that Abkhazia has always been a historical part of Georgia are destroyed. These are incomplete list of acts, widely used against the Georgian population of Abkhazia.

Thus, the fascist slogan and purposeful policy - "Abkhazia without Georgians" has become the gloomy reality.

V.5. However, this policy still continues as more than 200 000 Georgian refugees and displaced persons are not allowed back into their homes. Those, who dare to return voluntarily are being savagely persecuted.

V.6. The international community of states(UN, OSCE, CIS, European Parliament) condemning the policy of "ethnic cleansing", being manifested in mass extermination and forcible expulsion of predominantly Georgian population of Abkhazia affirmed the unacceptability of refusing them to return to Abkhazia and to forcibly changing the demographic composition of Abkhazia, Georgia.

V.7. The Georgian State Prosecutor's Office has concluded its inquiry into the crimes committed in Abkhazia, categorizing them as grave breaches of international humanitarian law and crimes perpetrated against humanity, *inter alia* as genocide. These crimes fall under jurisdiction of international court.

V.8. The territory of Abkhazia, where these crimes were committed, however, is still under the control of separatists and therefore the Georgian State Prosecutor's Office is not in a position to undertake all necessary measures, prescribed by law with a view of detaining and bringing those guilty in committing these crimes before justice.

V.9. The international community is incumbent to render assistance to the competent authorities of Georgia to submit those guilty in the crimes against humanity in the most heinous form of ethnic cleansing - genocide to justice.

V.10. It is necessary, that competent UN organs to assign mission of experts to Georgia for the assessment of the accusations.

V.11. Confirming the facts of ethnic cleansing-genocide against the Georgian population of Abkhazia on the international level should lead to instituting process by the UN with a view to bringing those guilty in these crimes before justice in accordance with international principles of due process.

Annexes 1-3 see below

Dynamics of the Demographic Situation in Abkhazia, Georgia, 1992-1997

According to the data, the population of the Autonomous Republic of Abkhazia for January 1, 1992 was 535061 as by the same period of 1997 amounted to - 145986. Thus, the population of Abkhazia decreased by 388075, i. e. 72.7 %, or 3.67 times.

Noteworthy, the reduction while being manifested in all ethnic groups, affected predominantly the Georgian population of Abkhazia.

If for January 1, 1992 the number of ethnic groups was 244872, i. e. 45,76% of the whole population, for the same period of 1997 it was 43442, i. e. 29.76% of the current population. This percentage is very impressive from the first sight, but taking into consideration the reduction of the total population of Abkhazia, the real amount of ethnic Georgians reduced to 201430, i. e. 82.2% or 5.64 times.

It is important to note the situation in Gali District, where the overwhelming majority of the population are ethnic Georgians. The number of the population is not stable and display the tendency of reduction, i.e. due to the punitive operations are carried out by the separatist regime on permanent basis.

For January 1, 1992 the Abkhazians constituted 17.73% of the whole population. For the corresponding period of 1997 their number was reduced to 53993, i. e. 36,98% of the current total population.

Notwithstanding the fact, that the percentage of Abkhazians as compared with the previous period was doubled, their number reduced to 40774. If the reduction of the Georgian population is caused by the ethnic cleansing and forcible deportation, the reduction of the Abkhazian population is the result of migration processes flowing out from the current economic and political chaos in Abkhazia, unbearable living conditions and criminal situation. It must be taken into consideration that the overwhelming majority of Abkhazians left the territory from the beginning of the conflict as they did not want to participate in the war and bloodshed. Currently they are not returning to their native lands because of the fear of persecution from the separatists.

The same concerns the Russians, Armenians and other ethnic groups.

At present, the mass migration of the population on the bases of forcible drafting of youth to the so-called Abkhazian army would obviously further decrease the population of Abkhazia as a whole.

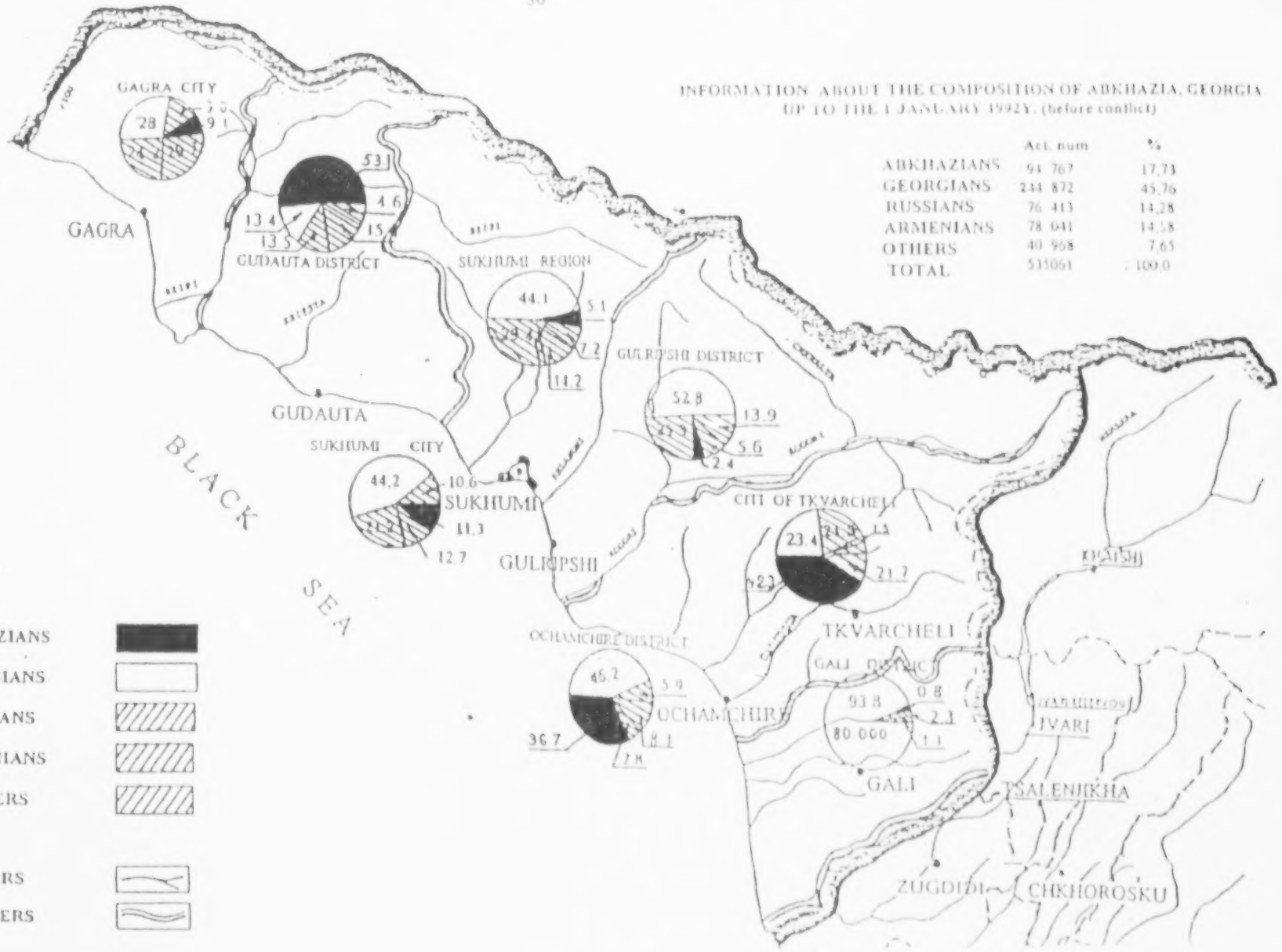
The map shows the clear changes of the demographic situation in all regions of Abkhazia.

The Gulripshi region is worth of noting, where the percentage index of ethnic Georgians is comparatively increased at the expense of unoccupied mountainous Kodori valley.

As concerns the Tkvarcheli region, the number of population was reduced from 5086 to 177 Georgians constituting only 15.04%.

From the all above said the relevant changes of the demographic situation in Abkhazia are clearly observed, that is conditioned by the systematic genocide and ethnic cleansing carried out by the Ardzinba regime in the occupied territories and still continue being directed primarily against the Georgian population.

February 1997



INFORMATION ABOUT THE COMPOSITION OF ABKHAZIA, GEORGIA
UP TO THE 1 JANUARY 1992Y. (before conflict)

	Act. num	%
ABKHAZIANS	94 767	17,73
GEORGIANS	244 872	45,76
RUSSIANS	76 413	14,28
ARMENIANS	78 041	14,58
OTHERS	40 968	7,65
TOTAL	535061	100.0

INFORMATION ABOUT THE COMPOSITION OF ABKHAZIA, GEORGIA
UP TO THE 1 JANUARY 1997Y.

	Act. num	%
ABKHAZIANS	53 993	36,98
GEORGIANS	43 442	29,76
RUSSIANS	18 110	12,4
ARMENIANS	17 747	12,16
OTHERS	12 694	8,7
TOTAL	145 986	100